

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 05-10019-RGS

UNITED STATES OF AMERICA

v.

DANIEL W. McELROY and AIMEE J. KING McELROY

ORDER ON MOTIONS ON LIMINE

January 23, 2008

STEARNS, D.J.

Based on the hearing held January 22, 2008, and the submissions of counsel, the court rules as follows.

1. The motion for production of the criminal referral notice of the United States Trustee with respect to witness Xieu Van Son is DENIED. The referral notice contains nothing of an exculpatory nature beyond what has been disclosed by the government. The referral is a one-page internal document three paragraphs in length. It describes the contents of the debtor's petition and the Trustee's receipt of hearsay information that the debtor, despite a statement to the contrary, had received income from a scheme involving laborers of Asian descent whose employment he had arranged on behalf of third parties.

2. The motion to redact the consent judgment [Exhibit 3] entered by Aimee King is ALLOWED in part. Rather than blank pages and obvious excisions, the court will permit the government to introduce the cover (first) page and the signature (last) page of the decree with the injunctive language regarding cash payments set out on a separate

attached and unnumbered page. Defendants may propose the inclusion on that page of any other language in the decree that they believe is relevant and/or exculpatory.

3. The motion to prohibit improper “vouching” with respect to the plea agreements to be entered into evidence is ALLOWED to the extent that the court will give an appropriate and contemporaneous limiting instruction.

4. The government’s motion to enjoin counsel and their agents from misrepresenting their identity or purpose in approaching the government’s witnesses is ALLOWED. The court will seal the recording submitted by the government for review after the trial is concluded. The court will at that time determine whether a further hearing and inquiry is warranted.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE